

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 35

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS; AMENDING SECTION 54-3204, IDAHO CODE, TO PROVIDE THAT THE BOARD MAY REVIEW THE PRACTICE OF A LICENSED SOCIAL WORKER WHO IS THE SUBJECT OF A CERTAIN COMPLAINT, TO ESTABLISH PROVISIONS RELATING TO SUCH REVIEW AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-3211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD'S AUTHORITY TO REFUSE TO ISSUE A LICENSE, REFUSE TO RENEW A LICENSE OR TO TAKE OTHER DISCIPLINARY ACTION AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-3204, Idaho Code, be, and the same is hereby amended to read as follows:

54-3204. BOARD -- POWERS AND DUTIES. The board shall have the following powers and duties:

(1) Adopt and amend rules to administer and carry out the provisions of this chapter and for the conduct of its affairs, provided that such rules shall be promulgated in accordance with the provisions of chapters 26 and 52, title 67, Idaho Code;

(2) Maintain a list of the names and addresses of all persons licensed under this ~~act~~ chapter;

(3) At its discretion, contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter;

(4) To prescribe by rule the minimum amount and kind of continuing education to be required of each social worker seeking to renew a license in the state of Idaho;

(5) To establish by rule an inactive license status;

(6) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of social work;

(7) To review the practice of a social worker licensed pursuant to this chapter who is the subject of a complaint regarding a potential violation of the provisions of this chapter. This review may include client records, notes of the license holder and other materials related to the practice. The review will remain subject to nondisclosure according to the provisions of chapter 3, title 9, Idaho Code, unless the written consent of the client is received by the board.

SECTION 2. That Section 54-3211, Idaho Code, be, and the same is hereby amended to read as follows:

54-3211. REFUSAL TO ISSUE, REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE -- UNPROFESSIONAL CONDUCT. The board may refuse to issue, refuse

1 to renew, may suspend, or may revoke any license issued under this chapter,
2 or take other disciplinary action, upon proof, after a hearing, that the per-
3 son has engaged in "unprofessional conduct." The words "unprofessional con-
4 duct" as relating to persons licensed under this chapter are defined to in-
5 clude but are not limited to:

6 (1) Conviction of a felony, or of any offense involving moral turpi-
7 tude.

8 (2) Habitual drunkenness or addiction to habit-forming drugs, either
9 of which impairs the ability to perform his work without danger to himself or
10 the public he serves.

11 (3) Fraud or deceit in connection with services rendered as a social
12 worker, masters social worker or clinical social worker or in establishing
13 qualifications for licensure under this chapter.

14 (4) Aiding or abetting any person not licensed under this chapter in the
15 practice of social work in the state of Idaho.

16 (5) Failing to be licensed or continuing to represent himself as li-
17 censed after the expiration of his license.

18 (6) Being found guilty of unprofessional conduct by the rules estab-
19 lished by the board.

20 (7) Having had a license or registration to practice social work re-
21 voked, suspended or otherwise disciplined in any state, territory or county.

22 (8) Failing to comply with a board order entered in a disciplinary ac-
23 tion.

24 (9) Failing to comply with any of the provisions of this chapter.